



City of Culver City

Staff Report

File #: 22-314, Version: 1

Item #: PH-1.

CC - PUBLIC HEARING: (1) Adoption of a Resolution Certifying the Environmental Impact Report (EIR) and Adoption of CEQA Findings and a Mitigation Monitoring Program (MMP) in Compliance with the California Environmental Quality Act (CEQA); (2) Introduction of an Ordinance Amending the Culver City Zoning Map Establishing Planned Development Zone No.16, and Approving the Comprehensive Plan; and (3) Approval of Density and Other Bonus Incentives, Administrative Use Permit, Tentative Parcel Map, and Community Benefits Incentive Program Public Open Space Benefits, for a 5-Story, 230 Unit Mixed Use Development at 11111 Jefferson Boulevard

Meeting Date: September 27, 2021

Contact Person/Dept: William Kavadas/Assistant Planner
Jeff Anderson/Interim Current Planning Manager
Sol Blumenfeld/Community Development Director

Phone Number: 310-253-5727

Fiscal Impact: Yes No **General Fund:** Yes No

Public Hearing: **Action Item:** **Attachments:** Yes No

Public Notification: (Mailed) Property owners and occupants within a 500-foot radius of the Project site (08/04/2021), (E-mail) Master Notification List (08/05/2021), (Posted) City website (08/05/2021), (Sign) Posted on the site (09/07/2021), (Published) Culver City News (08/05/2021), (E-Mail) Meetings and Agendas - City Council (09/22/2021)

Department Approval: Sol Blumenfeld, Community Development Director (9/16/2021)

RECOMMENDATION:

Staff recommends the City Council take the following actions relating to the mixed-use development located at 11111 Jefferson Boulevard, consisting of approximately 66,500 square feet of commercial uses and 230 residential units (Project):

1. Adopt a Resolution certifying the Final Environmental Impact Report (EIR) and adopting CEQA Findings and the Mitigation Monitoring Program (MMP), in compliance with the California Environmental Quality Act (CEQA) (P2021-0025-EIR) (Attachment No. 1); and
2. Introduce an Ordinance, amending the Culver City Zoning Map, as referenced in Title 17, Zoning, of the Culver City Municipal Code (CCMC), Section 17.200.015, establishing Planned

Development Zone No. 16 (Zoning Map Amendment, P2021-0025-ZMA) and approving a Comprehensive Plan (P2021-0025-CP), subject to Conditions of Approval (Attachment No. 2); and

3. Adopt a Resolution approving Density and Other Bonus Incentives (P2021-0025-DOBI), Administrative Use Permit for Outdoor Dining and Ancillary Sales of Alcoholic Beverages (P2021-0025-AUP), Tentative Parcel Map (P2021-0025-TPM), and Community Benefits Incentive Program public open space benefits, subject to Conditions of Approval (Attachment No. 3).

PROCEDURES:

1. The Mayor seeks a motion to receive and file the affidavit of publication and posting of the public hearing notice.
2. The Mayor calls on staff for a brief staff report and City Council poses questions to staff as desired.
3. The Mayor seeks a motion to open the public hearing, providing the Applicant the first opportunity to speak, followed by the general public.
4. The Mayor seeks a motion to close the public hearing after all testimony has been presented.
5. The City Council discusses the matter and arrives at its decision.

BACKGROUND:

Request

Jefferson Park LLC (Applicant) is requesting approval of a residential mixed-use development with retail, restaurant, and office uses at the intersection of Jefferson Boulevard and Sepulveda Boulevard on a 3.43-acre site. The entitlements for the proposed Project include the following:

- Zoning Map Amendment - to change the zoning of the site to Planned Development Zone No. 16 (PD-16).
- Comprehensive Plan - to establish development standards and design for the development.
- Density and Other Bonus Incentives - to allow increased project density.
- Tentative Parcel Map - to consolidate four parcels.
- Administrative Use Permit - to allow ancillary alcoholic beverage sales and outdoor dining for food service establishments.

Planning Commission Recommendation

On August 25, 2021, the Planning Commission adopted Resolution Nos. 2021-P008 and 2021-P009, recommending to the City Council certification of the Project EIR and adoption of CEQA Findings and the MMP in compliance with CEQA; approval of a Zoning Map Amendment to establish a Planned Development Zone; and approval of a Comprehensive Plan, Density and Other Bonus Incentives, Tentative Parcel Map, and Administrative Use Permit, subject to Conditions of Approval. The Planning Commission made the following changes to the project Conditions of Approval:

- Revised project mobility requirement to provide a 50% reimbursement of monthly TAP cards at one per residential unit and two per commercial tenant.
- Removal of TDM two measures considered vague (i.e. “other potential [TDM] measures which may be required, if adopted, prior to certificate of occupancy” and “other [TDM] measures as may be appropriate and approved by the City.
- Staff direction to further discuss and refine the fair share of funds allocated towards the design and installation of bike lanes and other Project mobility enhancements.
- Clarification that only two (2) Project carshare spaces are required.
- Clarification on the approved traffic control measures on Machado Road at Heritage Place.
- Clarification that the City will be responsible for conducting a parking study to determine if permit parking is needed in the Heritage Park area and that the applicant will be responsible for the cost of the study;
- Removal of Condition of Approval 15.d of Exhibit B to Resolution No. 2021-P009 Mobility Improvement Fees (CCMC Section 10.06.500) since the project application was deemed complete and vested in 2020 under SB35, prior to Mobility Fee Ordinance adoption.

Project Description

The proposed Project is a five-story mixed-use development with a total of 311,109 square feet of retail, office, and residential area. The Project includes a three-level parking structure, including one level of subterranean parking providing 653 automobile and 97 bicycle parking spaces. Public open space consists of Machado Park, which is proposed near Sepulveda Boulevard and Machado Road, and Courtyard Paseo, which is proposed at the corner of Sepulveda Boulevard and Jefferson Boulevard.

The proposed Project consists of 55,050 square feet of first floor commercial area including a 38,600 square foot space for a grocery store, and 11,450 square feet of office floor area on the second floor. The Project also proposes 230 residential units on levels three through five, including affordable housing units under state and local density bonus law. Included within the residential unit total are 19 very low-income units and two workforce housing units. The types of units range from studios to two-bedrooms. Residential amenities are provided on the third floor of the building including a fitness center, BBQ area, conference room/business center, pool, and sun deck.

ANALYSIS:

Zoning Map Amendment - Planned Development Zone No.16

The subject property is zoned Commercial General (CG) with a portion of the existing parking lot along Machado Road zoned Single-Family Residential (R1). To facilitate the development of the

proposed Project, the applicant has applied for a Zoning Map Amendment to rezone the property to Planned Development (PD-16) (Attachment No. 2, Exhibit A - Zone Change Map). The Zoning Code states that the PD zone can be “applied to sites suitable for combined commercial, residential, and/or live/work uses within a physically integrated and contiguous area”. In addition, sites must be a minimum of one acre. To develop within the PD zone, a Comprehensive Plan shall be approved with the standards and design for the proposed development.

The site is generally surrounded by commercial and residential uses (single-family and multi-family). The site is greater than one acre (3.43 acres) and the applicant has submitted a Comprehensive Plan for the development of the Project (Attachment No. 7).

Comprehensive Plan

The Comprehensive Plan allows for flexibility to accommodate land uses and development standards considering the unique characteristics of the use, setting, and surrounding area.

Pursuant to Section 17.560 of the Zoning Code, the Comprehensive Plan includes development standards that allow for the design and the uses of the proposed mixed-use development. The Project entitlements also include Conditions of Approval, included as Exhibit B to the proposed Ordinance.

The Comprehensive Plan has the following objectives:

- Develop an underutilized site into a high quality mixed-used project with a diverse range of residential dwelling types, including market rate and affordable units, and commercial uses.
- Provide a development that supports active transportation including areas for pedestrians and bicyclist through elimination of driveway cuts along the site, contributes to on-site and off-site bicycle infrastructure, and includes enhanced streetscape improvements, including new sidewalks, street furniture and in ground planters that connect to a network of open space to and through the project.
- Develop a project with a unique architectural design that enhances the visual appeal of the area and acts as a gateway for the southern edge of Culver City.
- Provide useable open space with a publicly accessible park at Machado Road at Sepulveda Boulevard.

The proposed Project includes retail, office, and residential uses totaling 311,109 square feet of floor area with the following development program:

- Commercial Retail - 55,050 square feet (1st Level)
- Office - 11,450 square feet (2nd Level)
- Residential - 244,609 square feet (230 units/including 19 affordable) (3rd through 5th Levels)
- Parking - 653 parking spaces, 97 bicycle parking spaces (Subterranean, 1st Level and 2nd Level)
- Open Space (Public, Common, Private) - 66,360 square feet (1st through 3rd Levels)

Comprehensive Plan Section No. 2.1.4 - Permitted Uses, Table 2 indicates project uses permitted by right and those subject to administrative planning approval. Permitted uses include food

service/restaurants, financial, retail, fitness, indoor amusement entertainment uses, medical, personal services, and studios (art, dance, music, exercise, or similar uses as approved by the Community Development Director).

Transportation Demand Management

The Project incorporates measures from a Transportation Demand Management (TDM) Plan. The proposed improvements and site design elements will enhance the use of walking, biking, and public transit as alternatives to the automobile. Design features include the following:

- Traffic signal and pedestrian safety enhancements
- Bicycle parking
- Designated drop-off area for rideshare
- Streetscape and pedestrian improvements
- New streetlights and crosswalks
- Improved bus stops

The TDM Plan also includes other measures such as the following:

- Commuter Marketing Program
- Off-street parking pricing for the office uses
- A relocated bus stop,
- Bike lanes
- E-assist bikes
- Guaranteed ride home program

The Project would establish bicycle lanes along the abutting segment of Sepulveda Boulevard between Machado Lane and Jefferson Boulevard as part of the TDM measures. The Applicant will contribute \$250,000 as a financial share towards the design and installation of bike lanes extending to Ballona Creek. This bicycle infrastructure link with Ballona Creek Bike Path would encourage bicycle trips to and from the Project Site and to other areas of Culver City. The applicant has also contributed \$100,000 to the City for use at the discretion of the Public Works Department in implementing potential future public improvements to LOS, traffic delays, and/or queuing.

Community Benefit

The requirement to provide Community Benefits for Mixed-Use Development projects that is applicable to the Project is prescribed in Resolution No. 2008-015 adopted by City Council (Community Benefits Incentive Program) in connection with the City's Mixed-Use Ordinance. The Applicant has requested that an on-site park, proposed to be made available to the public, be considered the Project Community Benefit consistent with Resolution No. 2008-015, since the project was vested in 2020 through an SB 35 Vesting Application. Community Benefits have more recently involved the provision of affordable housing and this requirement was codified in a Mixed-Use Ordinance amendment in January 2021. Since the project was vested prior to the adoption of the January 2021 amendments, it is subject to the Resolution 2008-015. In addition to the publicly accessible on-site park, the Applicant has also proposed two workforce below market housing units

with long-term affordability covenants as part of the Project Community Benefit.¹

The determination of the project Community Benefit is made entirely by the City Council as part of the Project approval process. Based upon a City Council approved Community Benefit, a local density bonus of 50 units per acre may be approved as the Project base density. Further, under State Density Bonus law, the City is required to grant up to a 35% density bonus increase provided the Project includes Very low-income units with required long-term affordability covenants (55 years). The Project is proposed to include 19 very low-income units in conformance with State Density Bonus law to grant the 35% density bonus increase.

State Density Bonus, Developer Concessions and Waivers

Government Code Section 65915(d)(1) allows the Applicant to submit a proposal to the City requesting specific incentives or concessions to development standards. The Applicant has requested a density bonus and developer waivers and concessions related to density, building height, and parking to make the Project financially feasible. The combination of the density bonus and the incentives and concessions are intended to result in identifiable and actual cost reductions to provide for affordable housing costs as prescribed in Government Code Section 65915(k)(1-3).²

The City may not apply any development standard which precludes the construction of the Project at its permitted density with the granted concessions. CCMC Chapter 17.580 - Density and Other Bonus Incentives, requires the City to follow State Density law. In accordance with State Law and CCMC Chapter 17.580, the Project proposes a total of 19 affordable dwelling units. Table 1 below indicates how the density is calculated for the Project.

Table 1: Density Calculation

Lot Area	Base Density: 35 du/ac Community Benefit: 50 du/ac	Base Number of Units	Micro Unit Density Bonus	State Density Bonus: 35%	Total Allowed # of Units
3.43 acres	50	172	0	61 additional units	233

The CCMC Community Benefit bonus and the State required density bonus allow for 233 units on the Project Site. The Applicant only proposes 230 units which includes 19 very low-income units and two workforce housing units. Eleven percent (11%) of the Project base density is proposed to be affordable.

Developer Incentives

The Applicant is proposing a Project building height of 67 feet with additional Zoning Code allowable

height projections for elevators, parapets, building equipment, and solar panels. The elevator projections measure 13 feet above the roof height, although the Zoning Code allows up to 19 feet 6 inches. The parapet extends 3 feet 6 inches above the finished roof surface, the building equipment extends 8 feet, and the solar panels extends 6 feet above the roof surface. The projections are proposed in the center of the roof allowing the parapet to screen the projections from ground level views. Pursuant to State Density Bonus law, the developer has requested that the City grant an additional 11 feet of building height as a developer waiver which the City is required to approve when necessary to make the development program financially feasible. Given the percentage of affordability relative to the Project base density, the City is obligated to allow an additional 11 feet of extra building height as a developer concession.

The applicant is also requesting reduced parking ratios consistent with Government Code Section 65915 including the following:

- Zero to one bedroom: one on-site parking space per unit
- Guest parking: no parking required

Culver City Zoning Code already allows studio and one-bedroom units less than 900 square feet to provide only one parking space per unit. All but two of the studios and one-bedroom units proposed are less than 900 square feet. One-Bedroom Model A5.0 is 947 square feet so would otherwise have required two parking spaces per unit for a total of four parking spaces. Therefore, this results in a loss of only two parking spaces than would otherwise be required for residential units.

Generally, one guest parking space is required per four units. This would result in 58 guest parking spaces. Based on Government Code Section 65915, no guest parking needs to be required; however, the applicant has chosen to provide 14 guest parking spaces for residential guest use. Despite the parking incentives utilized by the Applicant, the provided parking still constitutes 20 more parking spaces than would otherwise be required by State law for projects with an affordable housing component as indicated in Table 2 below.

Table 2: Parking Allocation

Proposed Land Use Type	Proposed Land Use Size	Required Number of Spaces	Number of Required **	Number of Proposed
2-Bedroom Units	64 Dwelling Units	2 Spaces / Dwelling Unit	128	128
*1-Bedroom Units	112 Dwelling Units	1 Space / Dwelling Unit	112	112
Studio Units	54 Dwelling Units	1 Space / Dwelling Unit	54	54
*Guest Parking		1 Space / 4 Dwelling Units	0	14
ECF Easement Parking		Agreed Upon Easement	34	34
Office	11,450 s.f.	1 / 350 s.f.	33	33
Grocery	38,600 s.f.	1 / 350 s.f.	111	121
Specialty Retail	3,900 s.f.	1 / 350 s.f.	12	8
Health / Fitness	1,950 s.f.	1 / 200 s.f.	10	10
Fast Food / Fast Casual Restaurant	7,300 s.f.	1 / 75 s.f.	98	98
Sit Down Restaurant	3,300 s.f.	1 / 100 s.f.	33	33
Excess patio Area	740 s.f.	1 / 100 s.f.	8	8
Total:			*633	653

* Requested incentive for Density and Other Bonus Incentives

**132 EV capable parking spaces, with 66 EV-ready and 66 with full EV charger stations

Parkland Dedication and In-lieu Fee

The Project is subject to parkland dedication or an in-lieu fee (CCMC Sections 15.06.300, et seq.), which provide there should be three acres of parkland per 1,000 persons for new residential units. The density factor for a multi-family development is two people per unit. The proposed Project’s parkland dedication requirement is 1.38 acres (60,112.8 sq. ft.) based on the proposed 230 new residential units.

A fee in lieu of parkland dedication is allowed should there not be land available to dedicate as a park. The in-lieu parkland fee is estimated at \$2,471,273 (\$10,744.50/unit) based on the fair market value of the proposed Project multiplied by the required parkland area.

The 19 affordable units are exempt from the Parkland Fee (CCMC Section 15.06.325.B) and reduces the fee to \$2,267,091 (\$10,744 multiplied by 211 Units).

CCMC Section 15.06.320 allows applicants to request a credit against the required parkland dedication up to 50%. The Applicant is requesting the maximum 50% (Attachment No.9). The applicant states the project includes approximately 66,360 square feet of public, common or private open space areas:

Publicly Accessible Open Space

- Machado (Public) Park - 13,800 sf (Sepulveda Blvd and Machado Lane)
 - Paseo Courtyard - 13,000 sf (Sepulveda Blvd and Jefferson Blvd)
 - Entry Courtyard - 2,000 sf (Sepulveda Blvd and Janisann Avenue)
- Subtotal Publicly Accessible Community Open Space - 28,800 sf*

Common and Private Open Space (for Residents)

- Courtyard (Third Level) 24,000 sf
 - Private Open Space (Balconies) 13,560 sf
- Subtotal Residents Open Space - 37,560 sf*

The applicant has requested a credit for open space provided on site. In order to qualify for a credit, the private open space must be developed with recreational facilities or be *“reasonably adaptable for use for recreational park purposes, taking into consideration factors such as the size, shape, topography, geology, access, and location of such area within the development.”* (CCMC Section 15.06.320.B)

After considering the Applicant’s request, staff has determined the only proposed open space area that qualifies as “park” space (not directly connected with or associated with Project commercial uses) that may be eligible for a Parkland Fee credit is 2,000 sq. ft in what is shown above as Paseo Courtyard (corner of Jefferson and Sepulveda Boulevards). The area is open to the sky and entirely independent from the ground floor Project commercial areas.

The proposed Machado Park area is proposed by the Developer as the Project Community Benefit and provides a 15% density bonus. It is not eligible to receive a Parkland Fee credit in addition to the density bonus. The other proposed open space areas are accessible by the public; however, they are not eligible for a Parkland Fee credit as they are covered by building above and/or are part of a commercial plaza space with multiple opportunities for commercial use, such as outdoor dining, and are directly adjacent to ground floor commercial areas.

Much of the Paseo and Entry Courtyards are covered by building and cannot reasonably be considered park space. Additionally, the Residential Common Open and Private Space cannot be credited towards park space because the Parkland Fee provisions preclude such areas from receiving credit: *“Yards, setbacks and other open areas required to be maintained by zoning and building regulations shall not be considered as credit against the parkland dedication requirement.”* (CCMC Section 15.06.320.C)

The approximate area of the eligible Sepulveda/Jefferson open space is 2,000 sq ft. If the City Council approves this as a Parkland Fee credit the Parkland fees would be \$2,389,017.2 or \$10,387.03 per unit. Further, adjusting for the affordable units which are exempt from Parkland Fees, the total In-Lieu Parkland Fee is \$2,191,663.3.

Tentative Parcel Map

Currently the Project site is divided into four separate properties. The properties are currently used as a parking lot for ECF located on the opposite side of Machado Road, the US Post Office, Coco’s Restaurant, and Valvoline Instant Oil Change. The Applicant is proposing a Parcel Map to consolidate the four parcels into one parcel. This consolidation would allow for the construction of the development.

Administrative Use Permit

The Applicant is pursuing a Master Administrative Use Permit (AUP) for ancillary alcohol beverage sales and outdoor dining conjunction in conjunction with potential future restaurant and food retail uses in the 55,050 square feet of ground floor commercial tenant area. Typically, individual tenants require separate AUP when establishing ancillary alcohol sales or an outdoor dining area. The Comprehensive Plan is intended streamline this process to allow outdoor dining and alcoholic beverage sales as a permitted ancillary use to food retail and restaurant uses in the proposed Project.

The Comprehensive Plan also allows for alcoholic beverages to be sold for offsite consumption as a permitted use, such as in the proposed Project grocery store. Alcoholic Beverage sales must comply with all conditions of approval and Comprehensive Plan standards; however, the Comprehensive Plan would still require a bar to obtain approval of an AUP pursuant to CCMC § 17.400.015 (Alcoholic Beverage Sales).

COMMUNITY OUTREACH:

Three mandatory community meetings were held for the Project as part of the outreach to neighbors and community members under the City's community outreach guidelines as follows:

Community Meeting No. 1 was held on August 29, 2019 at Temple Akiba, located across Sepulveda Boulevard from the Project site. The Community Meeting was held prior to the COVID-19 pandemic. The meeting was attended by approximately 275 people and the applicant presented the development proposal. The public was invited to ask questions and make comments.

Community Meeting No. 2, held virtually on October 6, 2020 due to concerns about the COVID-19 pandemic, was associated with the Notice of Preparation (NOP) for the Project EIR. The meeting was attended by approximately 86 people. The meeting was split into two segments, a community meeting and the Scoping Meeting required for the preparation of an EIR. The Applicant described the development proposal during the community meeting portion of the meeting. During the NOP portion of the meeting, the Applicant presented the issues to be addressed in the Project EIR. Community concerns included traffic, pedestrian safety, the size and height of the development, the replacement of the post office, housing affordability, blank walls facing onto street frontages, and the amount of parking.

Community Meeting No. 3, held virtually on May 25, 2021 due to concerns about the COVID-19 pandemic, was associated with the Notice of Availability for the Draft EIR. The meeting was attended by approximately 86 people. The meeting was a community meeting followed by a meeting where the City solicited comments to the DEIR. The Applicant described the Project and the environmental impacts analyzed in the Draft EIR. Community concerns expressed included construction impacts such as noise and truck traffic, traffic, loading areas for businesses and residents, parking, homeless issues, potential commercial uses, bus stops, and environmental impacts.

In addition to the above mandatory community meetings, the Applicant held over 50 small group community meetings with stakeholder groups over two years.

Public Correspondence

During public comment, Staff received email comment from the public that is included as Attachment No.10.

ENVIRONMENTAL DETERMINATION:

The proposed 11111 Jefferson Boulevard Project includes an Environmental Impact Report (EIR) prepared in accordance with the California Environmental Quality Act (CEQA). Pursuant to the provision of CEQA Guidelines Section 15082, the City circulated a Notice of Preparation of an Environmental Impact Report and Community Meeting/EIR Scoping Meeting (NOP) to State, regional, and local agencies, and members of the public for a 33-day review period commencing September 17, 2020 and ending October 19, 2020. The purpose of the NOP was to formally notice that the City was preparing a Draft EIR for the Project, and to solicit input regarding the scope and content of the environmental information to be included in the Draft EIR. The Community Meeting/EIR Scoping Meeting was held on October 6, 2020. During the public review period for the NOP, 51 commenters submitted responses to the NOP. Correspondence was received from the Native American Heritage Commission, the South Coast Air Quality Management District, the State of California Department of Transportation, interested organizations, and interested parties. All written comments are provided in Appendix A-4, of the Draft EIR.

The Draft EIR was circulated for a 47-day public review period commencing on May 6, 2021 and ending on June 21, 2021. During the Draft EIR review period, 21 unique comment letters on the Draft EIR were received from agencies, organizations, and individuals through written correspondence and emails. These comment letters have been included in Appendix A, Original Comment Letters, of the Final EIR. Also, during the Draft EIR public review period, the City conducted a virtual Community Meeting focused on the Project and a public meeting focused on the Draft EIR on May 25, 2021. This public meeting was not required by the CEQA Guidelines but conducted to provide an additional opportunity for public input. The public meeting on the Draft EIR provided an overview of the findings in the Draft EIR, explained the process for providing comments on the document, and outlined the remaining process for completion of a Final EIR. All written comments received during the public review period and during the public meeting on the Draft EIR are presented, and responses are provided in Chapter 2, Comments and Responses, of the Final EIR (Attachment No. 8).

Studies were completed for Air Quality, Cultural Resources, Energy, Paleontological Resources, Greenhouse Gas, Hazards and Hazardous Materials, Noise, Transportation, and Tribal Cultural Resources. Mitigation measures have been incorporated into the Project's design. Mitigation measures or Project Design Features are included for Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Noise, Public Services, and Transportation. With the inclusion of these mitigation measures, impacts on the environment are reduced to a less than significant level. Conditions of Approval require that the Applicant implement the mitigation measures as contained in the Mitigation Monitoring Program.

CONCLUSION:

The Project is proposed to redevelop a four-lot triangular parcel currently occupied by a post office, restaurant, automotive repair, and a surface parking lot. The Applicant is proposing a mixed-use development that includes commercial, office and residential uses. Entitlement applications have been submitted for a Zone Map Amendment, Comprehensive Plan, Density Bonus and related Developer Incentives, Tentative Parcel Map and Administrative Use Permit. The Project utilizes density bonus procedures specified in the CCMC and California State law which allows up to 233 units. The proposed Project provides 230 residential units, including 19 very low-income units and 2 workforce housing units with long-term affordability covenants that are offered as a Community Benefit along with a park available for public use. An EIR has been prepared that determines that there is a less than significant impacts for the Project with the inclusion of mitigation measures as noted in Attachment Nos. 1 and 8.

Based on the analysis contained herein, the findings for the Zoning Map Amendment, Comprehensive Plan, Density and Other Bonus Incentives, Tentative Parcel Map and Administrative Use Permit can be made as outlined in the attached Draft Ordinance and Resolution (Attachment Nos 1, 2 and 3).

FISCAL ANALYSIS

There is no fiscal impact associated with the approval of the recommended actions.

ATTACHMENTS

1. 2021-09-27_ATT - City Council Resolution for P2021-0025-EIR, with Exhibit A, Findings Required by CEQA and Exhibit B, Mitigation Monitoring Program
2. 2021-09-27_ATT - City Council Ordinance for P2021-0025-ZCMA, P2021-0025-CP with Exhibit A - Zone Change Map and Exhibit B - Conditions of Approval and Code Requirements
3. 2021-09-27_ATT - City Council Resolution for P2021-0025-DOBI, P2021-0025-TPM, P2021-0025-AUP and Community Benefits Incentive Program public open space benefits, with Exhibit A, Conditions of Approval
4. 2021-09-27_ATT - Planning Commission Staff Report dated August 25, 2021
5. 2021-09-27_ATT - Planning Commission Resolution No. 2021-P008, for (P2021-0025-EIR), with Exhibit A, Findings Required by CEQA and Exhibit B, Mitigation Monitoring Program
6. 2021-09-27_ATT - Planning Commission Resolution No. 2021-P009 for (P2021-0025-ZCMA, P2021-0025-CP, P2021-0025-DOBI, P2021-0025-TPM, P2021-0025-AUP) with Exhibit A, Conditions of Approval (revised per Commission)
7. 2021-09-27_ATT - Comprehensive Plan
8. 2021-09-27_ATT - Draft and Final Environmental Impact Report
9. 2021-09-27_ATT - Applicant Letter dated August 17, 2021, Re: Parkland In-Lieu
10. 2021-09-27_ATT - Public Correspondence
11. 2021-09-27_ATT - Community Meeting Summary Notes
12. 2021-09-27_ATT - Preliminary Construction Management Plan

NOTES

1. The City's engineering consultant (KOA) has confirmed that the cost to construct the Project publicly accessible park is \$1,505,992 including all related General Contractor fees and 5% contingency on all hard costs. This is consistent with the Applicant's park cost estimate. The City's financial consultant (KMA) has also reviewed the cost of the park and determined that with the two workforce affordable housing units supplied in the Project, the calculated value for the Community Benefit is consistent with the City's Community Benefit analysis. Therefore, the value of the park plus two workforce units affordable housing has been confirmed to be equivalent to the value of the calculated Community Benefit for the Project.
2. Per Government Code Section 65915 (e) (1), if the City wishes to deny the incentives or concessions requested by the Applicant, it must be able to demonstrate that the 35% density bonus allowed by Section 65915 (f) (2) can be achieved if the requested incentives or concessions are not provided. Government Code Section 65915 (e) (1) further provides for two (2) developer incentives that result in identifiable and actual cost reductions to provide affordable housing. The City's financial consultant, KMA has determined that it would be infeasible to construct the Project with the proposed level of affordability without the proposed developer incentives, concessions, and waivers.

MOTIONS

That the City Council:

1. Adopt a Resolution certifying the Project EIR and adopting CEQA Findings and the Mitigation Monitoring Program (MMP) in compliance in compliance with the California Environmental Quality Act (CEQA) (P2021-0025-EIR); and
2. Introduce an Ordinance approving Zoning Map Amendment establishing Planned Development Zone No. 16 (P2021-0025-ZMA) and approving the Comprehensive Plan (P2021-0025-CP) for the Project; and
3. Adopt a Resolution approving Density and Other Bonus Initiatives (P2021-0025-DOBI), Administrative Use Permit (P2021-0025-AUP), Tentative Parcel Map (P2021-0025-TPM), and Community Benefit Incentive Program public open space benefits, for the Project.